IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6369 OF 2005

Smt.Racesa Begam Abdul Karim Sagri..Petitioner.

Vs.

The State of Maharashtra & Ors. ..Respondents.

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Mr.Shrishail Sakhare for the Petitioner.

Mr.P.P.Kakade, AGP for the State.

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CORAM : F.I.REBELLO &

DR.D.Y.CHANDRACHUD, JJ.

29th September, 2005.

P.C. :

1. Rule. Heard forthwith.

2. The Petitioner has been appointed as untrained Shikshan Sevak and approval for the same was granted by Respondent No.3 on 23rd August, 2004. There was a condition that the Petitioner

should complete his training within three years and on such completion, the Petitioner was to be confirmed in service. It is the case of the Petitioner that the management has forwarded his proposal to Respondent No.3. It appears that Respondent No.3 forwarded the proposal to Respondent No.2 without giving approval certificate as required by Respondent No.2. That was the main reason why the application for postal D.Ed. course by the Petitioner was rejected. It may be mentioned that another reason given is that the Petitioner's appointment was after 5th July, 1997 that would be in so far as the Assistant Teachers are concerned and would not apply to Shikshan Sevaks.

3. Considering the above, we direct Respondent No.3 to consider the proposal forwarded to it by the management dated 8th October, 2004 and after considering the same if the Petitioner is eligible, considering approval granted for appointment of the Petitioner by Respondent No.3, to forward the proposal to Respondent No.2. Respondent No.2 after considering the same and if the Petitioner meets

all the requirements, to grant permission to do the postal D.Ed. course if permissible for this academic year and if not permissible, for the academic year 2006-07. Respondent No.3 to act on a copy of this order within a period of three weeks of the copy being served on Respondent No.3. Rule made absolute accordingly. There shall be no order as to costs.

(F.I.REBELLO, J.)

(DR.D.Y.CHANDRACHUD, J.)